

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROLLING MEADOW RANCH, INC., A
Florida Corporation;

Plaintiff,

vs.

PRO AG MANAGEMENT, A Colorado
Partnership;

Defendant.

8:19CV39

ORDER

This matter is before the Court on Plaintiff's Motion to Change Place of Trial. ([Filing No. 7](#).) Plaintiff requests that the place of trial be changed from Omaha, Nebraska to North Platte, Nebraska. The motion is unopposed. ([Filing No. 9](#).)

In deciding the place of trial, the Court considers "the convenience of the litigants, witnesses, and attorneys." NECivR [40.1](#). "A transfer should not be granted if the effect is to merely shift the inconvenience from one party to the other." [Aumann Auctions, Inc. v. Phillips, No. 8:07CV431, 2008 WL 687056, *2 \(D. Neb. Mar. 10, 2008\)](#). "The party seeking to change the place of trial within this district bears the burden of establishing that the transfer should be granted." *Id.*

Having reviewed the matter, it appears that the relevant factors favor having trial in North Platte. Defendant is located closer to North Platte, as are the majority of potential witnesses. Moreover, the property at issue is located near North Platte.

Accordingly,

IT IS ORDERED that Plaintiff's Motion to Change Place of Trial ([Filing No. 7](#)) is granted. The Clerk of Court shall amend the docket sheet to reflect the place of trial is North Platte, Nebraska.

Dated this 19th day of February, 2019.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge